

**REMARKS**

The Office Action mailed August 13, 2003 has been carefully considered.

Applicants request that the Examiner consider the following remarks, and then pass the application to allowance.

**Pending Claims**

Claims 1-30, 32-34, 36-38 and 40-44 are pending.

**Art Rejection**

In the Office Action, claims 1-30, 32-34, 36-38 and 40-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Henson (U.S. Patent No. 6,167,383) and Fortenberry (U.S. Patent No. 6,101,485) in view of Lee (U.S. Patent No. 6,336,137). The rejection relied on Henson and Fortenberry for teaching substantially the invention except for the stored order not being editable by the recipient.

Applicants respectfully submit that there is no teaching or suggestion in Lee for the proposition that the stored order is not editable by the recipient. As understood, Lee discloses a client-server system and method for transferring data via wireless networks. The rejection relied on Lee for disclosing a "Read-only form template: contains a read-only (non-editable) form applet" as the teaching that the stored order is not editable. (Lee, Col. 12, lines 59-60). However, upon closer review of Lee, it is apparent that this reference

refers to WML (Wireless Mark-up Language) templates used for wireless communications and not for stored order information. Referring to column 12, lines 43 to 60 of Lee:

Next, the developer crates a set of WML templates with appropriate SWE tags. The templates the application developer may create can include:

1. "View Template":....  
...
5. Read-only form template: contains a read-only (non-editable) form applet.

Accordingly, Lee discloses templates for WML that may be non-editable. The templates facilitate the development of wireless applications by creating a repository that contains the objects used. Therefore, the templates described by Lee are specifically developed for wireless applications wherein the objects are specifically tailored for wireless applications.

As the Examiner is well aware, the prior art must suggest the desirability of the claimed invention and cannot teach away from the desirability thereof. MPEP §2143.01. As previously discussed, the Lee reference discloses non-editable templates for wireless applications. There is no teaching or suggestion in Lee suggesting the desirability to use the templates for wireless applications with stored orders as presently claimed. The templates are used for wireless applications and not for stored order information.

In fact, Lee teaches away from the desirability of using non-editable templates because the templates disclosed by Lee are for WML. The templates are created expressly for containing the objects of wireless applications. Because wireless applications usually need to be compact, the objects contained within the templates must be different than those

used for non-wireless applications. Therefore, it is not desirable to use the non-editable template disclosed by Lee with the stored order as described by the claims of the present application because the templates are for different applications. The non-editable template for wireless applications would not have the correct components for operation because they are designed for wireless applications. Therefore, Lee teaches away from using the templates for the stored orders because the non-editable templates are for wireless applications.

Accordingly, Applicants respectfully submit that the claims of the present application are in condition for allowance because there is no teaching or suggestion for combining Lee with Henson and Fortenberry. Specifically, it is not desirable to combine Lee with Henson and Fortenberry because Lee teaches away from using a stored order that is not editable. In fact, the template disclosed by Lee is for wireless applications which are not the type disclosed by the present application. Accordingly, it is improper to combine Lee with Henson and Fortenberry to disclose the presently claimed invention.

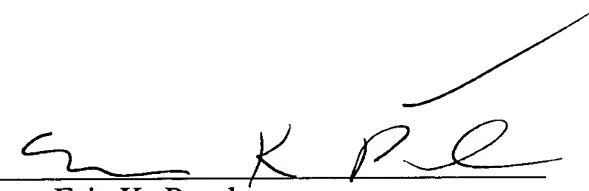
### **Conclusion**

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance. Such allowance is respectfully requested.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

Date: November 13, 2003

By:   
Eric K. Proul  
Registration No. 45,025

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(650) 622-2300